

corrected version /dw/ 12-17-2010



CERTIFICATE OF MAILING UNDER 37 C.F.R. §1.8

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail, with sufficient postage, in an envelope addressed to: Commissioner for Patents, P. O. Box 1450, Alexandria, VA 22313-1450, on the below date:
Date: June 5, 2006 Name: Henry L. Brinks, Reg. No. 17,013 Signature: *Henry L. Brinks*

**BRINKS
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GILSON
& LIONE**

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Appln. of: Lutz Biedermann, et al.

Appln. No.: 10/660,452

Examiner: Wilse, David H.

Filed: September 11, 2003

Art Unit: 3738

For: Invertebral Disk Prosthesis

Attorney Docket No: 7948/16

Commissioner for Patents
P. O. Box 1450
Alexandria, VA 22313-1450

TRANSMITTAL

Sir:

Attached is/are:

☒ Transmittal (in dup.); Second Supplemental Information Disclosure Statement (in dup.); Form PTO-1449 (in dup.); Seven (7) cited references;

☒ Return Receipt Postcard

Fee calculation:

- ☐ No additional fee is required.
☐ Small Entity.
☐ An extension fee in an amount of \$_____ for a _____-month extension of time under 37 C.F.R. § 1.136(a).
☐ A petition or processing fee in an amount of \$_____ under 37 C.F.R. § 1.17(____).
☐ An additional filing fee has been calculated as shown below:

					Small Entity		Not a Small Entity		
	Claims Remaining After Amendment		Highest No. Previously Paid For	Present Extra	Rate	Add'l Fee	or	Rate	Add'l Fee
Total		Minus			x \$25=			x \$50=	
Indep.		Minus			x 100=			x \$200=	
First Presentation of Multiple Dep. Claim					+ \$180=			+ \$360=	
					Total	\$		Total	\$

Fee payment:

- ☒ A check in the amount of \$180 for filing fee for Information Disclosure Statement is enclosed.
☐ Please charge Deposit Account No. 23-1925 in the amount of \$_____. A copy of this Transmittal is enclosed for this purpose.
☐ Payment by credit card in the amount of \$_____ (Form PTO-2038 is attached).
☒ The Director is hereby authorized to charge payment of any additional filing fees required under 37 CFR § 1.16 and any patent application processing fees under 37 CFR § 1.17 associated with this paper (including any extension fee required to ensure that this paper is timely filed), or to credit any overpayment, to Deposit Account No. 23-1925.

Respectfully submitted,

Henry L. Brinks
Henry L. Brinks (Reg. No. 17,013)

June 2, 2006

Date



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Inventor: Appln. of: Lutz Biedermann et al.

Appln. No.: 10/660,452

Filed: September 11, 2003

For: Invertebral Disk Prosthesis

Attorney Docket No: 7948/16

Examiner: Wilse, David H.

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SECOND SUPPLEMENTAL INFORMATION DISCLOSURE STATEMENT

In accordance with the duty of disclosure under 37 C.F.R. §1.56 and §§1.97-1.98, and more particularly in accordance with 37 C.F.R. §1.97(c), Applicants hereby cite the following reference(s):

REFERENCE DESIGNATION U.S. PATENT DOCUMENTS

EXAMINER INITIAL		DOCUMENT NUMBER <small>Number-Kind Code (if known)</small>	DATE	NAME	CLASS/ SUBCLASS	FILING DATE
	C1	7,037,340	05/02/06	Gau	623/17.16	01/30/02
	C2	2002/0156528	10/24/02	Gau	623/17.11	01/30/02
	C3	5,071,437	12/10/91	Stefee	623/17	11/21/90

FOREIGN PATENT DOCUMENTS

EXAMINER INITIAL		DOCUMENT NUMBER <small>Number-Kind Code (if known)</small>	DATE	COUNTRY	CLASS/ SUBCLASS	TRANSLATION YES OR NO
	C4	EP 0 392 076 A1	10/17/90	EPO	A61F 2/44	Yes
	C5	WO 01/008,612 A1	02/08/01	WO	A61F 2/44	Yes, U.S. Patent No. 7,037,350
	C6	DE 39 11 610A1	10/18/90	Germany	A61F 2/44	Yes, Abstract No. C7, below

EXAMINER INITIAL

OTHER ART - NON PATENT LITERATURE DOCUMENTS

(Include name of author, title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date page(s), volume-issue number(s), publisher, city and/or country where published.

C7 Derwent English Abstract of DE 39 11 610 A1

Applicants are enclosing Form PTO-1449 (two sheets), along with a copy of each listed reference for which a copy is required under 37 C.F.R. §1.98(a)(2). Applicants respectfully request the Examiner's consideration of the above reference(s) and entry thereof into the record of this application.

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The publication WO 01/008,612 appears to be translated into English in U.S. Patent No. 7,037,340 and U.S. Publication 2002/0156528, cited above, so that a separate translation of WO 01/008,612 is not believed to be necessary.

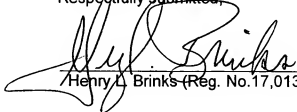
The publication EP 0 392 076 A1 appears to be translated into English in U.S. Patent No. 5,071,437, cited above, so that a separate translation of EP 0 392 076 A1 is not believed to be necessary.

As to DE 39 11 610 A1, applicants are supplying a Derwent English Abstract thereof, C8, above.

By submitting this Second Supplemental Information Disclosure Statement, Applicants are attempting to fully comply with the duty of candor and good faith mandated by 37 C.F.R. §1.56. As such, this Statement is not intended to constitute an admission that any of the enclosed references, or other information referred to therein, constitutes "prior art" or is otherwise "material to patentability," as that phrase is defined in 37 C.F.R. §1.56(a).

Applicants have calculated a processing fee in the amount of \$180.00 to be due under 37 C.F.R. §1.17(p) in connection with the filing of this Statement. Applicants have enclosed a check covering this fee, or authorized charging the fee to a deposit account or credit card, as indicated in the Transmittal accompanying this Statement.

Respectfully submitted,



Henry L. Brinks (Reg. No. 17,013)

June 3, 2006

Date



corrected version

FORM PTO-144	SERIAL NO. 10/660,452	CASE NO. 7948/16
LIST OF PATENTS AND PUBLICATIONS FOR APPLICANT'S INFORMATION DISCLOSURE STATEMENT	FILING DATE September 11, 2003	GROUP ART UNIT 3738
(use several sheets if necessary)		APPLICANT(S): Lutz Biedermann et al.

REFERENCE DESIGNATION

U.S. PATENT DOCUMENTS

EXAMINER INITIAL		DOCUMENT NUMBER <small>Number-Kind Code (if known)</small>	DATE	NAME	CLASS/ SUBCLASS	FILING DATE
/D.W./	C1	7,037,340	05/02/06	Gau	623/17.16	01/30/02
/D.W./	C2	2002/0156528	10/24/02	Gau	623/17.11	01/30/02
/D.W./	C3	5,071,437	12/10/91	Stefee	623/17	11/21/90

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/D.W./	C4	EP 0 392 076 A1	10/17/90	EPO	A61F 2/44	Yes
/D.W./	C5	WO 01/008,612 A1	02/08/01	WO	A61F 2/44	Yes, U.S. Patent No. .037.3507
/D.W./	C6	DE 39 11 610 A1	10/18/90	Germany	A61F 2/44	Yes, Abstract No. C7, below

EXAMINER
INITIAL

OTHER ART - NON PATENT LITERATURE DOCUMENTS

(Include name of author, title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date page(s), volume-issue number(s), publisher, city and/or country where published.

/D.W./	C7	Derwent English Abstract of DE 39 11 610 A1	10-1990			

EXAMINER /David Willse/	DATE CONSIDERED 12/17/2010
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EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609;
 Draw line through citation if not in conformance and not considered. Include copy of this form with next
 communication to applicant.



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FORM PTO 449	SERIAL NO. 10/660,452	CASE NO. 7948/16
LIST OF PATENTS AND PUBLICATIONS FOR APPLICANT'S INFORMATION DISCLOSURE STATEMENT	FILING DATE September 11, 2003	GROUP ART UNIT 3738
(use several sheets if necessary)		APPLICANT(S): Lutz Biedermann et al.

REFERENCE DESIGNATION

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FOREIGN PATENT DOCUMENTS

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	C7	Derwent English Abstract of DE 39 11 610 A1

EXAMINER	DATE CONSIDERED
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